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10/616,016

07/09/2003

Robert Beckstrom

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24628 7590 04/12/2007  
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EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                               |                                  |  |
|------------------------------|-------------------------------|----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/616,016 | Applicant(s)<br>BECKSTROM ET AL. |  |
|                              | Examiner<br>Thjuan P. Knowlin | Art Unit<br>2614                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/25/06</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on December 22, 2006 has been entered. Claims 1 and 12 have been amended. No claims have been cancelled. No claims have been added. Claims 1-27 are still pending in this application, with claims 1, 12, 22, 26, and 27 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent Application Publication, Pub. No.: US 2004/0088206 A1), in view of Barkan et al (US 6,366,575).

3. In regards to claims 1 and 12, Thompson discloses a method and apparatus of assigning (for example, the assigning is through the operational support system (OSS) 2), See Fig. 2) a call to one of a plurality of agents (See Fig. 2, workgroup 20 and 21, and mediator agents 28 and 29) (See page 3, paragraph [0039]), such method comprising the steps of: providing a description of the call (e.g., work item) to each of the plurality of agents (See page 3, paragraph [0045] – [0047]); receiving a bid to

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handle the call from each of the plurality of agents (See page 5-6, paragraph [0106]); and assigning the call to an agent of the plurality of agents with a highest relative received bid (See page 6, paragraph [0107]). Thompson, however, does not disclose the agent as an "actual human", but rather discloses the agent as a "software program". Barkan, however, does disclose the agent as a human (See Fig. 1 and agent station 14). For example, when a call comes in from outside telephone 12, call router(s) 18 obtains the information related to the call (i.e., such as CLID, form input data, etc), and forwards the information to agent station(s) 14. Call router(s) 18 then waits for a "bid" from the agent station(s), and once the bids are in, call router(s) 18 sends the call to the agent station(s), whom sent in the "accepted" bid (See col. 1 lines 17-50, col. 5-6 lines 40-4, and col. 6 lines 20-31). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of establishing a telephone call between an outside telephone and an "actual" agent station, wherein the outside telephone is associated with an outside computer that is connected to a public computer network and is used to request a call with an agent.

4. In regards to claims 2, 13, and 23, Thompson discloses the method and apparatus, further comprising determining a minimum skill (i.e., expertise or determining whether or not the work will be done) level for the call (See page 1, paragraph [0005], page 3, paragraph [0047], and page 5, paragraph [0105]).

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5. In regards to claims 3, 10, 14, 21, and 24, Thompson discloses the method and apparatus, further comprising rejecting any bid from an agent of the plurality of agents whom does not meet the minimum skill level for the call (See page 6, paragraph [0107]).

6. In regards to claims 4, 15, 22, 26, and 27, Thompson discloses all of claims 4, 15, 22, 26, and 27 limitations, in claim 1, except the method and apparatus, wherein the step of providing the description further comprises displaying the provided information on a terminal display of each agent of the plurality of agents. Barkan, however, does disclose the step of providing the description further comprises displaying the provided information on a terminal display (See Fig. 1 and agent station(s) 14) of each agent of the plurality of agents (See col. 6 lines 47-60).

7. In regards to claims 5, 6, 16, 17, and 25, Thompson discloses the method and apparatus, further comprising defining the bid as being a numerical value between two limits (See page 4, paragraph [0051] and page 4, paragraph [0064]).

8. In regards to claims 7 and 18, Thompson discloses the method and apparatus, further comprising classifying the call (for example, whether or not work item is low or high and/or classifying may be done depending on customer type or customer location) (See page 3, paragraph [0046] and page 3-4, paragraph [0049]).

9. In regards to claims 8 and 19, Thompson discloses the method and apparatus, further comprising determining an average number of calls handled per time period of a call type of the classified call for each agent of the plurality of agents (See page 3, paragraph [0047] – [0048]).

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10. In regards claims 9 and 20, Thompson discloses the method and apparatus, further comprising calculating a group average of calls handled per time period of the call type of the classified call (See page 5, paragraph [0105]).

11. In regards to claim 11, Thompson discloses the method, further comprising assigning the call to a default agent (for example, the mediator agent which makes a bid) of the plurality of agents when an acceptable bid is not received within a predetermined time period (See page 5-6, paragraph [0106]).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1, 12, 22, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.

13. In regards to the limitation of claims 3, 14, and 24, "rejecting any bid from an agent who does not met the minimum skill level for the call", Examiner believes that this limitation is taught by Thompson on pg. 6, paragraph [0107]. For example, when there is a work item that needs to be allocated, the OSS agent accepts bids from the mediator agents 28 and 29, in which each mediator agent has its own workgroup of agents. Then the OSS agent presents the work item, the mediator agents each have the opportunity to bid on the work item. However, if it is determined, by the OSS agent that the first mediator agent's workgroup is much more busier than the second mediator agent's workgroup, the OSS agent does not accept, or in other words, rejects, the offer from the first mediator agent, and instead, accepts the offer from the second mediator agent.

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14. In regards to the limitation of claims 10 and 21, "rejecting bid from agent where the agents determined average exceeds a threshold value above the calculated group average", Examiner believes that this limitation is taught by Thompson on pg. 3-4, paragraph [0049]; pg. 4, paragraph [0051]; and pg. 6, paragraph [0107]. For example, each agent attributes are given a value. The attributes are based on if any of the workers/agents are likely to perform the work item and on if the worker/agent will do the work or will not do the work. The value may also be based on how many workers/agents within the workgroup are available, in other words, not too busy, to handle the work item. Therefore, if the worker/agent value shows that he or she is not likely to perform the work item, will not do the work, or is too busy to handle the work item, the OSS agent does not accept, or in other words, rejects, the bid from the mediator agent.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Avery et al (US Patent Application, Pub. No.: US 2004/0088300 A1) teach a management system for a contact centre. Gray (US 5,675,636) teaches an adaptive method for allocating calls.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

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17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan P. Knowlin', with a stylized, cursive script.

Thjuan P. Knowlin  
Patent Examiner  
AU 2614